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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined fourth and fifth periodic reports of Lebanon

Addendum

Information provided by Lebanon in follow-up to the concluding observations*

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* The present document is being issued without formal editing.

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The combined fourth and fifth periodic reports of Lebanon on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) were considered in 2015. Following its consideration of those reports, the Committee on the Elimination of Discrimination against Women issued concluding observations in which it requested Lebanon, inter alia, to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (f) and 22 (b) of the concluding observations.

Part One: Steps taken to implement Security Council resolution 1325 (2000) (Recommendation 12 (f))

The Prime Minister requested the National Commission for Lebanese Women (NCLW) to develop a national plan of action to implement Security Council resolution 1325 (2000) and called upon the Office of the Minister of State for Women's Affairs to approve the plan of action before submitting it to the Council of Ministers and the competent authorities.

I. Overview of the status of women in Lebanon

1. Women and war in Lebanon

Few women were involved in the wars that took place in Lebanon in the last quarter of the twentieth century and only a very small number of women took up arms. Women primarily strove to preserve social structures and, in the absence of men, took responsibility for keeping their families together and providing emotional support to their children. They also provided care to the injured and those with special needs because of the paucity of social and medical services. Many women volunteered to work with social assistance organizations in order to meet people's needs and provide them with basic services.

Few studies have been conducted on the impact of war on women in Lebanon. Nonetheless, the information available indicates that women bore the brunt of the wars and incidents of forced displacement that took place in the country. Women were forced to assume responsibilities for which they were not prepared due to the disappearance or death of male members of many families.

In 2015, the International Centre for Transitional Justice issued a report documenting the impact on women of the disappearance of their husbands during the war and, in particular, the emotional trauma that this caused. Some women received no information regarding the whereabouts or deaths of their husbands for decades after the end of the war in Lebanon. Not knowing whether their husbands or fathers were alive or dead, the wives and children of those missing suffered notable psychological stress.

2. The political participation of women in Lebanon

The seventy-fourth Lebanese Government, the first formed under President Michel Aoun and headed by Prime Minister Saad Hariri, is the first in the history of Lebanon to include a Minister of State for Women's Affairs. The Government includes 29 male ministers and one female minister, who has been appointed to serve as Minister of State for Administrative Reform. The ministerial statement explicitly underscored the commitment of the Government to supporting women and strengthening their role in public life.

The Council of Ministers has approved the establishment of a committee on women's affairs headed by the Prime Minister and comprising relevant ministers,

with a view to strengthening and coordinating efforts in relation to women's affairs. Steps have also been taken to establish quotas for women on administrative councils and government bodies, in accordance with a recommendation made in 2010 by the previous Lebanese Government led by Prime Minister Hariri.

The aforementioned appointments to leadership positions were made in order to promote the role of women in political life. These appointments include the following:

- Twenty-seven female ambassadors, who make up approximately 30 per cent of the country's ambassadorial corps
- Three women to the 10-member Supreme Electoral Oversight Authority, meaning that women make up 30 per cent of its membership
- Twelve women to the 70-member Social and Economic Council, meaning that women make up 17 per cent of its membership

Despite those developments, women in Lebanon remain underrepresented in politics at the national and local levels and, despite the efforts that were made, women won only 6 out of 128 parliamentary seats in the elections that were held in May 2018, an increase of only 4 seats for women when compared to the 2009 elections. However, the number of women who stood for election increased dramatically to 113 candidates, equivalent to 18.93 per cent of the 597 candidates.

Women have been more successful in the two most recent rounds of municipal elections, held in 2010 and 2016 respectively. In 2016, 663 women were elected to municipal councils whereas only 536 had been elected in 2010. Furthermore, 57 women were elected to serve as mayor in 2016, whereas only 39 had been elected to do so in 2010.

On 19 September 2017, Parliament established the right of married women to stand for municipal offices in their native municipalities and not necessarily in the municipalities of their husbands.

3. The status of Palestinian and Syrian women in Lebanon

Approximately 60 per cent of Palestinians in Lebanon live in camps, while approximately 40 per cent of Palestinians live in villages and municipalities in the vicinity of those camps The United Nations Relief and Works Agency for Palestine Refugees in the Near East assists refugees with regard to housing and basic needs and provides them with and health-care and education services. Overall, a high proportion of Palestinian women suffer from chronic psychological disorders, such as depression, anxiety and stress.

According to a report issued in May 2018 by the Office of the United Nations High Commissioner for Refugees (UNHCR), women and children comprise some 80.5 per cent of the 982,012 Syrian refugees who have been registered in Lebanon since 2011 after fleeing the armed conflict in their country. In collaboration with governmental institutions and local authorities, UNHCR and other international organizations provide key necessities to refugees and displaced persons. Young female refugees and displaced persons, in particular, are subjected to verbal abuse, sexual harassment and sexual violence, which impede their movement. Furthermore, poverty levels have increased the prevalence of early marriage.

II. Initiatives and actions in Lebanon

In the last decade, governmental institutions, United Nations agencies, international organizations and civil society organizations have implemented specific

initiatives on women and peace and security, including national and local projects, campaigns and consultations.

1. Campaign for Civil Peace

In the wake of the Israeli war on Lebanon in July 2006, the United Nations Population Fund (UNFPA), in collaboration with the Lebanese non-governmental organization KAFA (Enough), launched the Campaign for Civil Peace: Women's Advocacy Towards Permanent Peace and Against Civil War. The aim of the campaign was to strengthen the role of women in peace building, conflict resolution and decision-making. The campaign was launched in collaboration with a network of 15 civil society organizations.

The effectiveness and impact of the campaign was assessed by a local marketing organization, which found that 65 per cent of respondents were aware of the campaign and that 93 per cent of respondents approved of the campaign's objectives. Furthermore, most respondents had understood the messages that were disseminated during the campaign.

2. Women Empowerment: Peaceful Action for Security and Stability

This project was implemented by NCLW between 2006 and 2010, with support provided by UNFPA and the Government of Norway. The initial phase of the project was launched following the July 2006 war as a pilot project to promote implementation of Security Council resolution 1325 (2000).

The project focused on communities that had been severely affected by the war. The first two phases were implemented in ten communities while the third phase was implemented in 22 villages.

The aims of the project were to promote the social, political and economic empowerment of women, and activities were conducted on the basis of a participatory approach that brought together women's committees, community leaders, municipal councils, service providers and civil society organizations. The project included awareness-raising efforts and community mobilization activities, outreach techniques, capacity-building and institutional development and income-generating projects.

3. United Nations Open Day on Security Council Resolution 1325 (2000)

Since 2010, the United Nations Interim Force in Lebanon (UNIFIL) has held the United Nations Open Day on Security Council resolution 1325 (2000) to promote dialogue between UNIFIL and Lebanese women from communities in the south of the country. Women's groups in the south of Lebanon articulated a number of priorities during the first Open Day, which was held in 2010, the most important of which were as follows:

- Ensuring that non-governmental women's organizations and other civil society groups at the national level communicate the views of women in the south of Lebanon and incorporate those views in national work programmes
- Empowering women by providing them with conflict resolution and peacebuilding skills
- Empowering women through training and capacity-building, in order to enhance their self-confidence and improve their public speaking skills so that they can address the issues that affect them

Women from Bint Jubayl, Marjayoun and Tyre participated in the second Open Day, which was held on 30 October 2012. Women participants presented their views

on peace and security and the constraints they faced. They also made recommendations on ways to enhance their safety.

The 2014 Open Day, the theme of which was "Their Own Voice: Women of Southern Lebanon Perspectives on Peace and Security", brought together women from Bint Jubayl, Marjayoun and Tyre with a view to encouraging women to participate in peacebuilding initiatives.

During the 2016 Open Day, participants focused on ways to empower women in post-reconstruction efforts, including through social, economic and political initiatives. Participants also underscored the importance of giving women vocational training, in order to empower them economically and enable them to be financially independent.

The 2017 Open Day focused on women's participation in decision-making processes at all levels, and the participant concluded that there was a need to raise awareness of women's participation in political life in southern Lebanon.

4. Local consultations

(a) Between October and December 2014, ABAAD, a non-profit non-governmental organization, held seven local consultative meetings on resolution 1325 (2000) that were attended by 165 individuals between 18 and 25 years of age. The objectives of the meetings were to raise awareness among women and men of the importance of women's participation in decision-making processes and to lobby for the protection of women from gender-based violence in conflict and post-conflict situations.

(b) In September and October 2016, NCLW, in cooperation with UNFPA, held consultations on Security Council resolution 1325 (2000) in cities that had been particularly affected by war or hosted a large proportion of the Syrian refugees in Lebanon, namely, Baalbek and Bint Jubayl, Nabatiyah, and Shiyah, Ghubayrah, Ayn al-Rummanah and Jubayl, Jabal Muhsin and Bab al-Tabbanah. Those consultations were attended by 96 people.

The participants in the consultations were not aware of Security Council resolution 1325 (2000) and most of their comments related to women's issues in general and not specifically to the four pillars of the resolution. Participants underscored the need to change discriminatory traditions and customs and to enact legislative reforms. They also stressed the importance of providing political support to women and the need to develop programmes that are aimed at women and girls.

(c) It is clear from those consultations that local communities, in particular their official agencies, do not have sufficient knowledge of Security Council resolution 1325 (2000). As part of its programme entitled "Strengthening women in decision making in the Middle East", NCLW, in collaboration with the German Agency for International Cooperation, is now taking action to strengthen the role of women in municipal and public administration decision-making mechanisms and to raise awareness of the importance of involving women in peacekeeping and conflict prevention and resolution initiatives.

In the last quarter of 2017, NCLW organized seven awareness-raising meetings in collaboration with the Lebanese Association for Education and Training and the Lebanese Democratic Women's Gathering.

Those meetings were held in areas of the country that were selected on the basis of specific criteria, namely, their historical connection with the civil war, the number of refugees and displaced persons present in those areas, and the extent to which they had been affected by the Israeli occupation.

In the spring of 2018, NCLW held dialogues with a view to sharing experiences and expertise among municipal councils in different regions, in particular among stakeholders from rural areas.

5. National consultations/conferences/expert group meetings

In 2012, ABAAD held two national consultative meetings on women, peace and security that were aimed at identifying precisely issues of concern to women, as well as their concerns regarding Security Council resolution 1325 (2000). The purpose of the meetings, which were held in May and October in cooperation with UNIFIL and the Women's International League for Peace and Freedom, was to examine opportunities and challenges associated with women's participation in governmental reform initiatives. The consultative meetings were attended by some 50 participants from UNIFIL as well as from civil society, women's rights and international organizations. Four priority areas were identified:

1. Raising awareness among and increasing the knowledge of women with regard to peace and security;

2. Encouraging women's participation in decision-making processes;

3. Ensuring the participation of women in efforts to promote security and peacebuilding and in peace negotiations and processes;

4. Monitoring and reporting on gender-related violations, in particular those related to peace and security.

In November 2016, in partnership with UNFPA, NCLW organized an expert group meeting to discuss national priorities related to the four pillars of resolution 1325 (2000). The meeting was attended by 29 participants from various ministries, civil society organizations, United Nations agencies, academic institutions and the secretary-general of the Jordanian national women's organization, who spoke about the experience of Jordan in developing a national action plan for the implementation of resolution 1325 (2000).

The participants at that meeting formulated the following recommendations on the four pillars of the resolution:

Participation: increase awareness of the participation of women in decision-making and call for the establishment of quotas;

Prevention: monitor draft laws on women, peace and security, and promote awareness-raising activities regarding Security Council resolution 1325 (2000) in all districts and regions;

Protection: review the Lebanese asylum law in the light of human rights treaties, encourage Palestinians to demand to be able to exercise the right of return and campaign for the creation of a birth registration system for Syrian refugees;

Relief and Recovery: develop programmes to encourage Syrians to return home, provide training to Syrian refugees that might prove useful to them in Syria and collaborate with women with experience in the areas of relief and recovery.

In another collaboration with UNFPA, NCLW organized a national conference on Security Council resolution 1325 (2000) in December 2016 to discuss key measures related to women's rights that should be incorporated in the draft national plan of action. The participants in the conference addressed the role of civil society organizations in the implementation of the resolution.

6. Publications/training materials

In partnership with the Women's International League for Peace and Freedom, ABAAD published a reference booklet in Arabic on resolution 1325 (2000) in May 2014 to inform rights holders of that resolution. The booklet provides information on the mandate, scope and four pillars of the resolution, information on the status quo in Lebanon with regard to the first three pillars, namely, participation, prevention and protection, and it addresses ways of enhancing peace and security for women in Lebanon. Copies were distributed to participants at national and local consultative meetings held under the auspices of ABAAD.

7. The media

In 2016, ABAAD carried out a comprehensive survey on how displaced and refugee women were portrayed in the media and social media pages that are focused on women and humanitarian actors. The survey showed that 3 per cent of print media and 20 per cent of television channels covered the issue of women and war. In most cases, women were portrayed as victims and in stereotypical, traditional roles. Unbalanced and discriminatory language against women was also used in media coverage of that issue.

In March 2017, while it was conducting the above-mentioned study, ABAAD initiated a dialogue with the media and humanitarian donors on best practices that can help empower women in conflict situations.

8. Participation in the training programme on the peace process and peacebuilding initiatives

Members of NCLW, the Office of the Minister of State for Women's Affairs and the Internal Security Forces attended a training programme on the peace process and peacebuilding initiatives that was held in Cairo from 9 to 12 October 2017. The purpose of the training programme, which was organized by the Arab Women's Organization, was to strengthen the negotiating skills of women leaders and deepen their knowledge of all aspects of the negotiation process.

III. Developing a national plan of action

With the support of United Nations agencies, NCLW is overseeing the development of a national plan of action on Security Council resolution 1325 (2000) and, to that end, has adopted a participatory approach involving relevant ministries, Government authorities and civil society organizations.

In August 2017, NCLW established a steering committee comprising representatives of the Government, civil society organizations and an academic institution, as well as representatives of relevant United Nations agencies (whose role was limited to providing technical advisory assistance).

The steering committee provides strategic leadership and managerial oversight in all stages of the process to draw up the national plan of action, reviews periodic reports and ensures that all stakeholders take the necessary steps to achieve desired outcomes. The steering committee is also tasked with monitoring implementation of the draft national plan of action in accordance with the established time frame.

At its first meeting, which was held on 26 October 2017 and attended by all its members, the steering committee decided to initiate consultations with various Government authorities with a view to preparing a study on the priorities of the national plan of action. That study and the draft national plan of action will be

submitted to a national consultative forum comprising governmental institutions, United Nations agencies and civil society representatives prior to the approval of those national priorities and the endorsement of the draft national plan of action. That national consultative forum has been established to ensure that the national plan of action is developed and implemented in a participatory manner that takes into account the views and priorities of all Lebanese citizens, as well as refugee and displaced-person communities and other vulnerable population groups.

The national plan of action will establish priorities for action by all stakeholders, as called for by the Security Council in its eight resolutions on women, peace and security.

The process to develop the national plan of action comprises three phases. The first phase (August to October 2017) focused on identifying the relevant national efforts and documenting best practices and lessons learned through regional and international efforts to draw up national plans of action.

The second phase (November 2017 to March 2018) focused on documenting national priorities and holding further meetings with Palestinian and Syrian women and girls. A number of meetings were also held with academics and media professionals to hear their opinions on national priorities and to urge them to respond to the need to create an appropriate intellectual environment that will support women's engagement in initiatives to foster peace and security.

During the third phase (March to August 2018), the Office of the Minister of State for Women's Affairs reviewed the draft national plan of action in collaboration with civil society organizations and other Government authorities. The Ministry will also seek to have the Government adopt the draft national plan of action. The third phase will end with a media campaign to raise awareness of issues related to women, peace and security, and promote implementation of the plan. An evaluation of the process to develop the national plan of action will be carried out at the end of 2018, in accordance with a monitoring and evaluation plan that will be developed in coordination with all stakeholders.

Part Two: Capacity-building and training programmes for justice system personnel on the Convention and women's rights (Recommendation 22 (b))

Lebanon adopts a sectarian approach to personal status issues. Every Lebanese religious sect has its courts, laws and internal regulations, and this situation runs counter to article 7 of the Constitution of Lebanon, which enshrines the principle of equality among all Lebanese citizens, and to general principles stipulated in international instruments, including, in particular, the Universal Declaration of Human Rights, to which Lebanon remains committed.

The multiplicity of those laws and the way in which they are applied by sectarian courts exacerbates inequality among citizens in Lebanon, in particular as those laws govern matters of crucial importance in citizens' lives, such as marriage, divorce and child custody.

I. Progress made in amending laws and developments in jurisprudence

Following are some examples of the developments that have occurred in relation to laws that concern women's rights and court rulings in that regard:

- In May 2014, Lebanon adopted the Protection of Women and All Family Members from Domestic Violence Act (law No. 293). Following its adoption,

amendments were made to articles 487 and 489 of the Criminal Code, which pertain to adultery. Those amendments provide that men and women shall be given the same punishment.

- In 2011, article 562 of the Criminal Code, on so-called honour crimes, was repealed.

- In August 2017, article 522 of the Criminal Code was repealed. Pursuant to that article, perpetrators of rape had been absolved of the crime if they married their victims. However, that amendment to the Code fails to provide adequate protections for female minors because prosecution or trial still ceases if the perpetrator of one of the offences stipulated in article 505 of the Code, namely, sexual intercourse with a minor above the age of fifteen and below the age of eighteen, marries his victim, and enforcement of the punishment imposed on the offender is still suspended if a judgment had been delivered in the case, provided that the judge's decision to suspend the proceedings or the sentence is made on the basis of a report prepared by a social worker. In addition, the above-mentioned amendment does not affect article 518, under which anyone who violate the virginity of an adult or minor female by means of seduction or promise of marriage is absolved from punishment provided that the offender marries the female.

  In the light of the above, the Office of the Minister of State for Women's Affairs submitted a draft law to the Council of Ministers in August 2017 to repeal article 518 of the Criminal Code, and to amend articles 505, 508, 513 and 514 and to increase the penalties imposed therein, as recommended by the Legislation and Consultation Commission of the Ministry of Justice.

- NCLW is now formulating a draft law that would amend article 505 of the Criminal Code and repeal the provision on the suspension of prosecution if the offender marries the minor in question. The draft law would also repeal article 518 of the Code and amend article 519, which concerns the offence of touching or fondling a minor in an indecent manner, by deleting the words "without their consent" from that article.

- The Druze personal status law dates back to 1948; with the passage of time, it has become clear that certain articles of that law needed to be amended in order to bring it into line with humanitarian principles and the changes that have occurred in the nature of human relations. The law was therefore amended on 19 September 2017.

  Pursuant to that amendment, the age of custody has been raised, so as to safeguard, first and foremost, the interests of the child while also upholding the legitimate rights of the father. A paragraph (b) has also added to article 64 of the Personal Status Act that prohibits one parent from denying the other parent the opportunity to see a child that is in his or her custody. Under that same paragraph, if the child's parents are unable to come to an agreement in that regard, the judge is authorized to establish a place at which and a time when the child can be seen, in accordance with the interests of the child.

  Article 169 has also been amended to allow the daughter or daughters of a deceased individual to inherit the entire estate if that deceased individual has no male children, provided that the rights of heirs who are entitled to a fixed share are upheld.

- Pursuant to the draft amendment of the Orthodox personal status law, the minimum age for marriage for both males and females would be 18, whereas the current law stipulates that, if necessary, a marriage may be contracted

between eligible applicants provided that the male is at least 17 years old and the female is at least 15 years old.

Some Christian religious courts have made progress with regard to the issue of granting custody of minor children to the mother, regardless of whether she bears partial responsibility for the annulment of the marriage.

Religious courts have begun giving priority to the interests of the child. With regard to the guardianship and care of children, those courts base their rulings on the personal status laws in force, but they are often compelled to disregard those laws in order to safeguard the child's interests.

Similarly, if the father requests that his right to parental authority be affirmed on the basis of a legal provision that entitles him to that right, the court may not agree to his request if it finds that doing so would not be in the interests of the child. Religious courts rely on input from social workers and psychologists to assess the development of the child and the impact on that child of the dispute between his or her parents.

The principle of joint custody has recently been introduced into the jurisprudence of religious courts, as expressed, for example, in final judgment No. 15/2016 of 16 February 2016 that was issued in case No. 49/2014 by the Unified Court of First Instance of the Melkite Greek Catholic Church in Lebanon.

On 13 June 2016, the Court of Appeal of the Melkite Greek Catholic Church issued judgment No. 22/2016, which upheld the above-mentioned ruling by the Unified Court of First Instance.

II. Key steps taken with a view to amending certain provisions of personal status laws

(a) In order to harmonize Lebanon's laws and the rulings of religious courts with the Convention, NCLW requested an expert on the personal status laws of Christian sects to prepare a study on the main areas in which women are discriminated against and to identify the provisions that can be amended or improved, as a first step, in order to promote the interests of women.

The study recommended that the following steps be taken:

- Review the minimum age for marriage for certain Christian sects and establish the minimum age at 18 years.
- Ensure that the principle of equality between women and men is respected when they act as witnesses to marriage contracts, and repeal legal provisions that diminish their status as witnesses or prevent them from acting as witnesses to such contracts.
- Amend the laws in force so as to uphold the right women to manage and invest their dowries, both during marriage and following its dissolution.
- Amend legal provisions that give the husband the right to choose the marital home and compel his wife to reside with him, irrespective of where he chooses to live, and consider her to be disobedient if she refuses to do so, and at the same time give women the right to participate in making decisions that are in the interests of the family.
- The amount of alimony is left to the discretion of the judge, and religious courts tend to limit alimony payments so that they cover only the most basic

necessities. This situation underscores the inequalities between women and men and serves as a means of putting pressure on women. Equitable alimony payments that allow the beneficiary to live in dignity, including during the period of legal proceedings, are needed.

- Personal status laws grant child custody primarily to mothers, but their right to custody may be revoked on grounds that undermine their dignity and limit their freedom of action (remarriage, incompetence, misconduct and psychological illness). Those grounds do not apply to fathers, who, in such cases, can continue to exercise parental authority. Relevant articles of personal status laws should therefore be reviewed with a view to preserving the dignity of women and ensuring their equality with men.

- The competent authorities should refuse to register a second marriage if the husband alone changes sect, because that action constitutes circumvention of the law.

- The various Christian personal status laws in Lebanon provide that men and women are equal in their right to request a divorce, provided that the conditions therefor are met. Men and women thus enjoy the same rights when suing for divorce.

(b) As a second step, NCLW will carry out similar studies in collaboration with experts on the personal status laws of Muslim sects.

(c) The Lebanese Democratic Women's Gathering has released a study on the early marriage of girls. That study revealed that the prevalence of early marriage is decreasing, with early marriages comprising less than 5 per cent of marriages in Lebanon. The study also set forth a number of recommendations, including, most notably, that the requirement that education is compulsory for both sexes up to the age of 15 must be implemented in fact; girls must be given the opportunity to receive vocational training before they marry; projects to promote local development must be implemented; and a law establishing the minimum legal age for marriage at 18 years must be enacted.

The Lebanese Democratic Women's Gathering also organized a roundtable discussion on the role of religious leaders in protecting male and female children from early marriage, which was moderated by Judge John Azzi and judges from the sectarian courts of all denominations. The participants in that roundtable discussion made the following recommendations:

- It is vital to raise awareness within communities of the risks of early marriage.

- It is vital to protect children from early marriage, in view of the fact that there are no religious and legal impediments that prevent establishing the age of marriage at 18 years.

III. Capacity-building and training programmes

The High Judicial Institute has always considered capacity-building and training programmes for members of the judiciary on the Convention and on the rights of women to be extremely important and it has organized several conferences, training sessions and workshops on those subjects.

One of the most important activities that focused on protecting the rights of women was an awareness-raising workshop organized by NCLW under the auspices of the Lebanese Minister of Justice, Mr. Salim Jreissati, and in collaboration with the Centre for Women of the Economic and Social Commission for Western Asia

(ESCWA). The theme of that workshop, which was held on 13 October 2017, was "International mechanisms to eliminate all forms of discrimination against women: from legal provisions to judicial application".

One of the aims of that workshop was to increase the knowledge of judges in Lebanon of international instruments, including, in particular, the Convention and the national obligations and duties pursuant thereto. The workshop underscored that judges should refer to relevant international conventions in cases involving discrimination against women and reviewed the experiences of certain Arab countries in using the provisions of those conventions as the basis for judicial rulings.

Judges from all religious and civil courts participated in the workshop, including judges concerned with the application of laws to protect women from all forms of discrimination.